

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JAMES THOR KIRK,

Plaintiff,

v.

CV 12-1157 JAP/WPL

DOCTOR ROLANDO FLORES and
OFFICER JEFFREY BURKE,

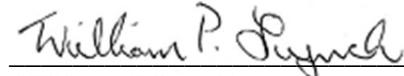
Defendants.

ORDER TO STRIKE

This matter is before the Court *sua sponte*. On March 28, 2014, Kirk filed an account summary report, “respectfully provid[ing] [the] Court with Valencia County Detention Center Records per Martinez report requesting all documents,” and the docket entry links this filing to Doc. 110, the *Martinez* report filed by Jeffrey Burke. (Doc. 152.) Pursuant to the Court’s Order Directing Submission of *Martinez* Report (Doc. 83), Kirk was provided thirty days from the filing of Burke’s *Martinez* report in which to respond. Burke timely filed his *Martinez* report on January 6, 2014. Kirk filed a response to Burke’s *Martinez* report on January 23, 2014. Kirk may not file additional, untimely briefing without leave of the Court. Furthermore, the Court advises Kirk that the Order Directing Submission of *Martinez* Report only directs Burke, not Kirk, to submit documents. Pursuant to *Hall v. Bellmon*, the Court may order defendants—not petitioners—to investigate the incident underlying a suit and to submit a “*Martinez* report” based on that investigation. 935 F.2d 1106, 1109 (10th Cir. 1991). Accordingly, the Court will *sua sponte* strike this document from the record. See FED. R. CIV. P. 12(f).

Furthermore, the Court observes that Kirk filed a “Notice of Documents” on April 3, 2014. This filing merely contains previously filed legal documents and exhibits. As stated in a previous order, the Court reviews all filings in detail, and repetitious filings only serve to delay resolution of this case. (*See* Doc. 151.) In addition, the Court assures Kirk that it has not lost any of the filings in this case, and it is unnecessary and wasteful to send duplicates. The Court again urges Kirk to exercise discretion with his filings and comply with the Federal Rules of Civil Procedure and the Local Rules.

IT IS SO ORDERED.



William P. Lynch
United States Magistrate Judge

A true copy of this order was served
on the date of entry--via mail or electronic
means--to counsel of record and any pro se
party as they are shown on the Court's docket.